

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEONARD J. FRONCZKIEWICZ,
Plaintiff

v.

ANDREW SAUL,
Commissioner of Social Security,
Defendant

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No. 1:18-cv-01983

(Judge Kane)
(Magistrate Judge Cohn)

ORDER

Before the Court is the November 15, 2019 Report and Recommendation of Magistrate Judge Cohn (Doc. No. 12), recommending that this Court vacate Defendant's final decision denying the continuation of Plaintiff's disability insurance benefits under Title II of the Social Security Act on the basis that Defendant's final decision was not supported by substantial evidence because the administrative law judge's residual functional capacity ("RFC") finding was not adequately supported by medical opinion evidence in regard to its assessment of Plaintiff's limitations resulting from his impairments. No timely objections to the Report and Recommendation have been filed.

ACCORDINGLY, on this 3rd day of December 2019, upon independent review of the record and applicable law, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the caption of this action to reflect that Andrew Saul, Commissioner of Social Security, is the named defendant in this case;¹
2. Magistrate Judge Cohn's Report and Recommendation (Doc. No. 12) is **ADOPTED**;
3. Defendant's final decision is **VACATED**;

¹ While Defendant Nancy A. Berryhill, who previously served as the acting commissioner of Social Security, was initially named as the defendant in this case, Andrew Saul became the commissioner of Social Security on June 17, 2019. Accordingly, the Court will direct the Clerk of Court to amend the caption of the case to reflect this change pursuant to Federal Rule of Civil Procedure 25(d), which provides that a public officer's successor is automatically substituted as a party in an action brought against the public officer in an official capacity.

4. The Clerk of Court is directed to enter judgment in favor of Plaintiff and against Defendant;
5. The above-captioned action is **REMANDED** to Defendant to conduct a new administrative hearing in accordance with Magistrate Judge Cohn's Report and Recommendation (Doc. No. 12); and
6. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania